

REMARKS/ARGUMENTS

Claims 1-3 and 5-6 are pending in the present application. Claim 4 is allowed.

The following remarks, in conjunction with the above amendments, are believed to be fully responsive to the Office Action.

THE REJECTIONS UNDER 35 U.S.C. § 103

SHOULD BE WITHDRAWN

Claims 1-3, 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu et al. (J. Med. Chem. 1997, 40, 4281-4289) and in view of Shiue et al. (Nuclear Medicine and Biology, vol. 24, pp. 145-150, 1997). In response, Applicants submit that each of the rejections should be withdrawn for the reasons stated below.

Applicants respectfully submit that Hu was known to the Applicants and is referenced in the present specification on page 6, lines 10-12. Applicants respectfully point out here that compounds of formula (II) may be prepared as described in Hu. Hu does not teach, disclose, or suggest using compounds of C-11 methylation of nitrogen. Further, the Examiner points to Hu describing radiolabelled compounds (bottom of page 3 of the Office Action dated September 26, 2007). Applicants respectfully disagree. Hu teaches non-labelled compounds. Hu uses tritiated compounds, MK801 and DTG, to perform the binding assays, but the guanidines being tested are unlabelled, (please see page 4282 right hand column).

Additionally, Shieu teaches a completely different class of compounds as the present invention altogether. Unlike the present invention, Shieu teaches that the radiolabelled compounds are ketamine and its enantiomers. Applicants respectfully submit that it is impermissible within the framework of 35 U.S.C. § 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). (emphasis added). Applicants also wish to present that “the prior art itself must provide a motivation or reason for the worker in the art, without the benefit of the Applicant’s specification, to make necessary changes in the reference device”. See, *Ex parte Chicago Rawhide Manufacturing Co.*, 226 U.S.P.Q. 438 (PTO Bd. App. 1984).

Futhermore, unlike the present invention, Hu in view of Shiue do not teach, disclose, or suggest there claimed compounds could be useful *in vivo* PET tracers. It was clearly unobvious that the claimed compounds in Hu in view of Shiue would have the *in vivo* distribution and clearance characteristics required for an effective *in vivo* PET tracer. The data in the application as filed demonstrates these *in vivo* properties.

It is therefore respectfully submitted that 35 U.S.C. 103 rejections of claims 1-3 and 5-6 be withdrawn.

CONCLUSION

In view of the amendments and remarks herein, Applicants believe that each ground for rejection or objection made in the instant application has been successfully overcome or obviated, and that all the pending claims are in condition for allowance. Withdrawal of the Examiner's rejections and objections, and allowance of the current application and claims 1-3 and 5-6 are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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